



Disabled or Differently- Able?: The Social Ramifications and Shortcomings of the World Programme of Action concerning Disabled Persons and





the Convention on the
Rights of Persons with
Disabilities and how the
UN ECOSOC should
encourage just social
integration of this
population.





Introduction:

Those scholars and advocates who study social justice have focused extensively on the rights and disenfranchisement of disabled persons throughout history and the need to create advocacy groups, legislative protection, and adequate opportunities for social integration for these people. As the debate has grown, the very nature of disability and the language surrounding it has come under scrutiny. Many people take offense to the term “disabled”, saying that the term implies inability and renders said disabled person somehow less human and less deserving of respect and equal opportunities and rights. These people argue for the use of the term “differently-abled”, which connotes a less demeaning interpretation of disability, arguing that people with disabilities are not unable, rather, they are simply differently able than those without disability. For example, there are sects within the deaf and blind populations that argue they are better able to utilize their other senses to interpret the world around them *because* of the lack of vision or hearing, meaning their inability to hear or see does not “disable” them, rather it enables them to more effectively utilize their other senses to interact with their world. Cynics and critics would argue that this is merely a linguistic argument that does not take away from the fact that the disabled person still has some deficiency or inability. It is this argument that fuels the continuing discrimination against disabled persons in our contemporary global society. As a committee focusing on social integration of marginalized groups, we must address the continuing integration of disabled persons into our global society at all levels. This requires that the UN take a close look at its own

treatment of disabled persons within its infrastructure and take steps to change this legacy. From there it must examine the social status of people with disabilities and make far-reaching recommendations and changes to current legislation.

Statement of the Problem

Despite the actions of such bodies as the UN and advocacy groups to promote the rights of the disabled, they often find themselves sidelined from employment, respect, and social integration. Even in the field of international service, people with disabilities have fewer opportunities. For example, the Peace Corps has an extensive list of disabilities that render one ineligible to work for them. This list runs the gamut from diabetes to bipolar disorder (www.peacecorps.gov). Although many would argue that not accepting people with these disabilities and diseases is due to the limitations of the Corps itself, the fact that one’s disability can be grounds for immediate rejection from the application process seems unfair. If people with disabilities have difficulties being equally employed and accommodated in the field of international justice and advocacy, the disparities in rights and employment in other less high-minded organizations and situations must be appalling. This topic should approach the limitations of current UN programs and legislation concerning disabled persons and answer the following questions:

1. How do the legislative efforts and advocacy groups fall short of the needs of the disabled population?
2. How can they be improved upon?
3. What recommendations can this committee make to improve the conditions and





- opportunities available to persons with disabilities?
4. What adjustments in language should be made to promote respect for and the dignity of the disabled populations?
 5. Since the priority theme for the 2010 session of the Commission for Social Development is “Social Integration” and is focusing on the integration of marginalized and disenfranchised social groups: what specific steps need to be taken to better socially integrate disabled persons? What sectors of local, national, and international social forums are disabled persons not given full membership and opportunities (<http://www.un.org/esa/socdev/csd/2010.html>)?

These questions are important and must be discussed because the rights of the disabled are incomplete at best. Employment opportunities remain woefully limited all over the world and in many nations the opportunities, living conditions, and social integration of disabled persons are antiquated and discriminatory. Despite the large amount of technological advancement in the treatment of disabilities, many people never receive proper care and are considered social dead weight. As a committee focusing on social development and with a priority theme of “social integration” for marginalized groups, it behooves us to examine the social limitations imposed on disabled persons and to make reparations for a long history of inequality and discrimination.

History of the Problem

It goes without saying that disabilities have been a part of humanity as long as humans have

been in existence. All societies make note of people with different physical limitations. The Christian Bible tells stories of Jesus healing the deaf, blind, and paralyzed who were often beggars and impoverished. Early nomadic societies would leave behind physically weak and unable people that would slow down the group and endanger the healthy by exposing them to predators. In his “History of Disability”, Gary Karp writes

“To early Greeks and Romans and on into the Middle Ages, people with disabilities were a source of humor. People with mental impairments were kept by the royal courts for entertainment. Court jesters might have had a physical deformation, yet could perform feats such as acrobatics and juggling. Entertainment was a rare path to independence for a person with a disability, at a time when the only other options were to be a beggar or a burden to one’s family” (Karp, 1999).

Later, Karp explores the idea that, “During the Middle Ages another notion about disability was considered. Perhaps a disability was not punishment from God but an expression of evil through the Devil. At the same time the Christian church developed some charitable motives, in particular for the blind and amputees. The Crusades (beginning in 1096) ensured a steady supply of these victims—the only kinds of disability likely to survive the traumatic injuries of war” (Karp, 1999).

The Christian church began protecting those disabled during the Crusades and this marks a slight shift in the treatment of those with disabilities, although more often than not, these people were doomed to unemployment and even





ridicule. When plagues began breaking out across Europe, Africa, and the Middle East, the disabled became even more discriminated against. Laws were passed that made it illegal to give alms to beggars and lepers (who were typically physically disabled) with the justification that these people did not provide anything to society and were in fact an economic and spiritual drain on society. At times religious institutions would take in people with disabilities, but when the population of the “needy” became too large to contain, these people were often turned back out onto the streets to beg for a livelihood that was minimal at best.

When the number of people with physical disabilities living on the streets became astronomical, governments began looking for alternatives. The begging population was an eyesore and a frustration to governments, the wealthy, and the religious who felt a need to care for this population but had not the resources or sometimes the compassion. One solution was to relocate the disabled population closer to the blind—those who were least likely offended by their deformities and abnormalities. This was not a feasible solution as the demand for “blind caretakers” far outstretched the number of blind people. The next solution involved building public and general hospitals where the disabled could live. However, these hospitals turned out to be not treatment centers but much more like storehouses where the ill and disabled were shuttled and locked away. Therefore, the population of disabled people continued to grow unchecked and no number of general hospitals could hold them all. The next option was to ship all social undesirables to the Americas and Australia. The people shipped to these areas abroad were of seemingly disparate

populations—criminals, lepers, the physically disabled, the mentally ill, and political upstarts were shipped across the oceans to places where they would be out of sight and out of mind. Soon they were joined by people looking for religious freedom and life away from oppressive governments. This formed another society where the disabled were marginalized and feared.

However, now they were not so often confined in storehouses, most likely because the infrastructures in Australia and the Americas were not developed to the point of building government-run asylums.

As Karp writes,

The British notion of shame carried over to the colonies. But rather than being jailed or trapped in asylums, many colonial disabled were sheltered in the back rooms by their families who were ashamed of not living up to the frontier ideal. Sometimes people with disabilities were deported back to England” (Karp, 1999).

Obviously, the solutions of shipping the disabled away or locking them up like animals were not working. The disabled population continued to grow, especially as technology advanced and everyday employment became more dangerous (in places like factories and mills with no safety regulations or concern for human life). This era became a sort of purgatory for the disabled; they were shipped back and forth between storehouses called “hospitals” and the back rooms of their relatives’ homes. During the 18th century, laws continued to be drafted that separated the disabled from “normal” society. One such law drafted in Chicago read as follows:





“No person who is diseased, maimed, mutilated, or in any way deformed so as to be an unsightly or disgusting object or improper person to be allowed in or on the public ways or other public places in this city, shall expose himself to public view, under a penalty of not less than one dollar nor more than fifty dollars for each offense” (Karp, 1999).

The 20th century was a continuation of these ideals, although many laws began to be repealed and people began speaking out against the maltreatment of the disabled. One outstanding example is Dorothea Dix, who is famous for her work with the “indigent insane”. She spoke out against the mistreatment of the mentally ill and advocated for the building of asylums and special hospitals and treatment for these people (<<http://www.webster.edu/~woolfm/dorotheadix.html>>). Her advocacy led to the creation of asylums and centers for the mentally ill and also the disabled. An unfortunate result of this was the abuse of the mentally ill and disabled in asylums, but this was more due to lack of oversight and a continuing disregard for the rights of the disabled than to Dix’s efforts. Another horrible blight on the history of disability came with the rise of the Third Reich in Germany. Adolf Hitler’s regime change during World War II advocated the capture and extermination of physically handicapped people, deeming them a danger and threat to a healthy and successful society. He targeted those with physical disabilities, mental illness, and extrapolated his definition of a “proper” society to exclude Jewish people and other populations as physically and mentally inferior. The tragedies and losses of the

Holocaust exemplify the abuses taken out upon people with disabilities. It also serves to show that corrupt governments and leaders can marginalize and persecute certain populations by deeming them physically inferior, and as a result, undeserving of respect and inherently inhuman. The latter part of the 20th marks a transition into protecting the rights of the disabled and the mentally ill. The American Disabilities Act was passed in 1990 and was a standard for civil rights for the disabled. The act creates standards of equality for the disabled and works to protect the rights of the disabled in America. However, many people assume that due to the ratification of the American Disabilities Act the disabled cannot be discriminated against. This assumption is essentially untrue as the ADA protects the rights of the disabled only within certain situations. For example, it ensures that the disabled cannot be discriminated against in the workplace in “certain situations” (<http://www.ada.gov/>). Examples such as the limitations of the American Disabilities Act are a testament to the fact that there is much to be done to protect the rights of the disabled more completely, despite the many advancements in civil rights legislation and changes in social attitudes concerning disability.

The definition of “disability” has also changed throughout time. Hunter-gatherer societies marginalized those with physical disabilities that made it difficult for that individual to contribute their proportionate amount to food supplies, while during the Biblical era through the Dark Ages, those with physical disabilities were often considered to be evil or possessed by the devil or evil spirits- an assumption that led to cruel “treatments” and punishments for physical





deformities and disabilities. In order to protect the rights of the disabled, disability must be defined free of social stigma and prejudices. Finally, we must stop seeing disabled persons as victims in need of social mercy and view them instead as humans that deserve respect and equal opportunities for social integration.

Past UN and International Action

In 1993, the UN’s General Assembly passed the *Standard Rules for the Equalization of Opportunities for Persons with Disabilities* after deliberations and findings discovered during the Decade of Disabled Persons. The *Standard Rules* was an elaboration on World Programme of Action concerning Disabled Persons, which was created by the General Assembly after the International Year of Disabled Persons in 1981. Neither the *Standard Rules* nor the World Programme of Action concerning Disabled Persons were extremely strong. Their effectiveness was overridden by the fact that they contained only recommendations, were not ratified by member states, and did not hold member states accountable for upholding the recommendations made. However, both were bold steps forward in terms of making changes concerning the rights of the disabled and took a key stance in arguing that the rights of the disabled must be taken in context of society and community and not simply be discussed in isolation (“UN Enable - World Programme of Action Concerning Disabled Persons”).

In 2002, an Ad Hoc Committee of the UN General Assembly met to discuss the rights of persons with disabilities. The session lasted until 2006 through eight sessions. The Ad Hoc

committee ended on the 13th of December in 2006 in New York. The Convention had 82 signatories, the Optional Protocol had 44 signatories, and there was one ratification of the Convention. As stated by the United Nations, “This is the highest number of signatories in history to a UN Convention on its opening day. It is the first comprehensive human rights treaty of the 21st century and is the first human rights convention to be open for signature by regional integration organizations” (“UN Enable - Convention on the Rights of Persons with Disabilities”). This Convention went into effect in 2008 and marks a shift in ideas about the human rights that the disabled deserve. The fact that the convention received such amazing reception from the international forum indicates that the international community recognizes the rights of the disabled and that there is a strong social push towards making reparations for the historical mistreatment of the disabled. However, this Convention has only been in effect for about a year and far-reaching effects and changes have not been seen yet.

Major Bloc Positions

African Bloc:

This bloc is united by geography but separated by vast expanses of land and massive differences in culture. Unifying concerns are mass poverty, lack of resources, widespread diseases, and environments of violence. The disabled face severe discrimination and are often unable to be reasonably employed. Much of the employment opportunity in Africa is physically demanding. Fields such as fishing, farming, mining, and oil drilling are not conducive to accommodating disabled workers. Families are often unable to care





for disabled children or other family members, who become a severe strain on already limited resources. “Handicap friendly” accommodations are essentially nonexistent in rural and poor areas and are severely limited in large cities that are already in over their heads with concerns of poverty and starvation. Oftentimes the idea that a handicap or disability is caused by poor character or is a punishment for sins is perpetuated and can retard the growth of advocacy of disabled persons. Despite these obstacles, the presence of growing infrastructure and modernizing societies across the continent makes the bloc open to modernizing its approach to the disabled and to promote the human rights of that population.

Asian Bloc:

This bloc has a strong emphasis on economic growth through industry. Industrial efforts require strong physical ability, so disability is a huge obstacle within Asian societies. Family groups are very strong, however, and an effort is made to care for disabled members of the family, although the efforts are limited by widespread poverty. As this bloc grows exponentially in financial viability through industrial efforts, nations are becoming more modern and adopting modern approaches to age-old problems. This makes the bloc receptive to paradigm shifts concerning the treatment of the disabled. However, it will be difficult to pass more stringent standards within industrial sectors concerning equal opportunities for employment for the disabled due to this bloc’s emphasis on expedient and low cost industry.

Eastern European Bloc:

Poverty and continued Western opposition has led to less focus on such westernized ideas as

civil rights for the handicapped. Also, the mass exodus of citizens to Western societies and the transition of Russian Jews to Israel has destabilized traditional power sources and led to a more open reception of modern ideas, like equal opportunities and rights for marginalized groups. It is important to note that many employment opportunities require physical labor and it will be difficult to enmesh equal employment opportunities for the physically disadvantaged. A modernized approach to industry may counterbalance this.

Latin America and the Caribbean Bloc:

Much like the African bloc, this bloc faces extreme poverty and separations among nations concerning politics, alliances, and even geography. Widespread drug trade and cartels have led to a massive black market led by vicious outlaws who have been able to control corrupt government officials and police. This makes enforcing new measures on civil rights very difficult, as most people are preoccupied with the very danger in which they live their everyday lives. Strong family units will be a powerful ally in the struggle to provide more rights for the disabled; family cohesion and support for disabled relatives can be used as a strong support system for new legislation and standards.

Western Europeans and Others:

Many of the current legislation concerning the protection of the rights of the disabled has been passed within this bloc, however the disabled within these nations still face discrimination and issues with the protection of their rights. Although these nations have more money to funnel towards the implementation of higher standards of living and equal opportunities for employment and social integration for the disabled, it is important to note





that this money is not always used properly and there are still gaping holes in the policies and guaranteed rights of the disabled.

Conclusion

The issue at hand is a complicated one; although UN legislation concerning the rights of the disabled has been enthusiastically embraced by the international community and UN member states, the results of said legislation has not been staggering. There are vast discrepancies between the rights and protections granted to disabled people on paper and the actual rights and opportunities they receive in everyday life. As a committee that is focused on discussing social development with an emphasis on the social integration of marginalized and groups that are

commonly discriminated against, CSocD has a duty to discuss and protect the social integration of the disabled. As a committee we should discuss the shortcomings of current legislation and advocacy groups and evaluate the status of the disabled in the international community. How can the rights of the disabled community be protected without treating them as recipients of a gift; this population has every right to be treated fairly and to receive equal opportunities for employment, personal development, and modern living within the global society. We must discuss feasible options for promoting these rights, and above all, discuss the continuing social integration of this population into the contemporary global society.





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